

A G. Contract No. KR99 2523TRN
ADOT ECS File: JPA 99-172
Project: RLTA 03P
Scope: Develop PeCoS 3.0 Software
Modifications for Local Governments

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY, ARIZONA

THIS AGREEMENT is entered into 7 January, 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and COCHISE COUNTY acting by and through its BOARD OF SUPERVISORS
(the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The federal government has allocated State administered funds to support the local government Local Technical Assistance Program (LTAP). The State and the County, in furtherance of the program, desire to participate in the development of modifications to the PeCoS 3.0 computer software which will allow the software to be a functional tool for road/street maintenance management in the local government community environment, e.g.; subdivisions, city streets, etc. The State does not possess the computer hardware required to accomplish the development and implementation of the work. The County has the hardware and has agreed to provide the technical support to the LTAP, at a total cost of not to exceed \$50,000.00, all at State expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows

NO. 23781
Filed with the Secretary of State
Date Filed: 01/07/2000
Petrey Bayless
Secretary of State

By Dicky D. Guenewald

II. SCOPE OF WORK

1. The County will:

a. Identify and develop the necessary PeCoS 3.0 software modifications which will enhance local government roadway/street maintenance management. Provide overall management and quality assurance to the Project and coordinate as appropriate with other local government jurisdictions throughout the State towards the implementation of the objectives of the LTAP PeCoS 3.0 program.

b. Select, hire and manage such personnel or consultants as is reasonable or necessary to accomplish the objectives of the Project. Strictly comply with all applicable State procurement laws, rules and regulations.

c. Provide the State monthly narrative reports on Project progress.

d. No more often than monthly, invoice the State, in the form of Exhibit A hereto, for the reasonable direct actual cost of the Project, with no profit or fee, in a total amount not to exceed \$50,000.00.

2. The State will:

a. Provide the County such technical assistance as is reasonably available towards the development and implementation of the Project.

b. Reimburse the County within 30 days after receipt of invoices, in a total amount not to exceed \$50,000.00.

c. Authorize the County, its contractors and other local governments to use, modify and distribute to other political subdivisions, on a non-exclusive basis, the PeCoS III software that is the subject of this agreement.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance of this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Cochise County
County Manager
1415 Melody Lane
Bisbee, AZ 85603

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

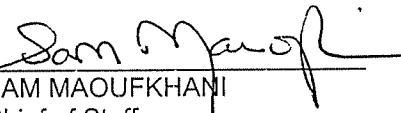
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

COCHISE COUNTY, ARIZONA

By 
Chairman
Board of Supervisors

STATE OF ARIZONA

Department of Transportation

By 
SAM MAOUFKHANI
Chief of Staff

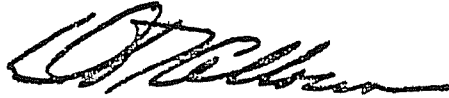
ATTEST

for By 
NADINE PARKHURST
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 16th day of November 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Cochise County for the purpose of defining responsibilities for the development of PeCoS 3.0 Software Modifications for Local Governments.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief of Staff for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

AGENDA ITEM FOR BOARD OF SUPERVISORS

FROM: HIGHWAY & FLOODPLAIN DEPT.

DATE: DECEMBER 7, 1999

FOR BOARD MEETING OF: DECEMBER 13, 1999

REGULAR AGENDA:

CONSENT AGENDA: X

WORDING OF AGENDA ITEM: DISCUSSION AND POSSIBLE APPROVAL OF THE IGA FOR THE HIGHWAY AND FLOODPLAIN DEPARTMENTS MANAGEMENT OF THE LOCAL GOVERNMENT MODIFICATIONS TO THE PeCoSIII MAINTINANCE MANAGEMENT PROGRAM BETWEEN COCHISE COUNTY AND THE ARIZONA DEPARTMENT OF TRANSPORTATION LTAP DIVISION EFFECTIVE FROM DECEMBER 13, 1999 THRU JUNE 30, 2000.

SUGGESTED MOTION: "MR. CHAIRMAN, I MOVE THAT THE IGA FOR THE PeCoSIII PROGRAM MODIFICATION MANAGEMENT BETWEEN COCHISE COUNTY AND THE ARIZONA DEPARTMENT OF TRANSPORTATION LTAP DIVISION EFFECTIVE DECEMBER 13, 1999 AND JUNE 30, 2000 BE APPROVED AND AUTHORIZE THE CHAIRMAN TO SIGN."

COMMENTS/INSTRUCTIONS: PLEASE RETURN RECORDED COPY TO: ADOT, INTERMODAL TRANSPORTATION DIVISION, ATTN: E. JACK HAMMET, CPN, JOINT PROJECT ADMINISTRATOR, 205 SOUTH 17TH AVENUE - ROOM 293E, MAIL DROP 616E, PHOENIX, ARIZONA 85007

ATTACHMENTS: (List all documents required to support/explain item)
ORIGINAL IGA, MEMO FROM ALLON C. OWEN

SIGNATURE REQUIRED: Chairman X Clerk of the Board X Attorney X
Other _____ (check those applicable)

(FOR BOARD USE ONLY)

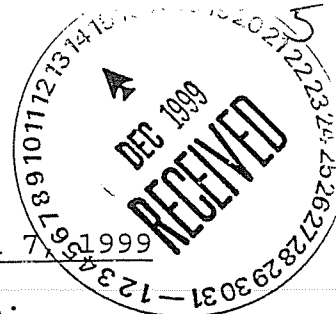
ACTION TAKEN AT MEETING OF: 12/13/99 Approved ✓
Disapproved _____ Tabled _____

ACTION/MOTION (if different from above) OR REASON FOR DISAPPROVAL/TABLING

COMMENTS: please provide a fully executed original for recording purposes

DOCUMENTS RETURNED BY BOARD original for your action

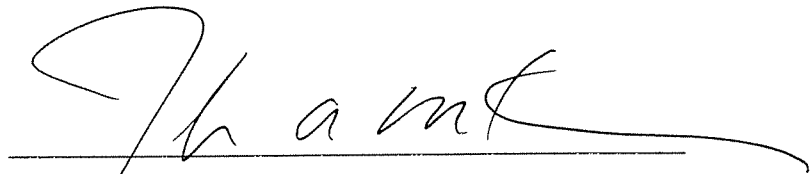
DATE: 12/13/99



APPROVAL OF THE COCHISE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and COCHISE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 15th day of December, 1999.



County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

JANET NAPOLITANO
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-2523TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED December 28, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/603630

Enc.